



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,228	10/15/2003	Jack B. Robinson JR.	036079.01 Robinson	6348
27863	7590	02/06/2006	EXAMINER	
MCNAIR LAW FIRM, P.A.			LUONG, SHIAN TINH NHAN	
P.O. BOX 10827			ART UNIT	
GREENVILLE, SC 29603-0827			PAPER NUMBER	

3728

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/686,228	Applicant(s) ROBINSON, JACK B.	
	Examiner Shian T. Luong	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

1. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1,9 and 19, the terms “panel two”, “panel one”, “panel three”, “panel fourth” and “panel five” in each of the first occurrence lack proper antecedent basis. Applicant should define the panel individually by claiming the panel as “a panel one”, “a panel two”, etc. Also, the term “top side” throughout the claims in its first occurrence for each of the panels should be “a top side.” Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9,17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorenson (US 4,399,915). Sorenson discloses an edge protector comprising a blank sheet of corrugated paperboard material having a top side and a bottom side. A plurality of parallel fold lines 16, 22, 24, 34, 48, 116, 122, 124, 134, 137, 141, 148 scored into the sheet and laterally spaced divide the sheet into at least five consecutive panels hinged together at the fold lines. A first leg formed from overlapping panels two and three 18,26 or 118,126. The top side of panel two and three is placed in face-to-face contact. A second leg intersects the first leg and is formed by overlapping panel one 6 in between panels four and five 36,40. The top side of panel one is

Art Unit: 3728

placed in fact-to-face contact with the top side of panel four, and the top side of panel five is placed in face-to-face contact with the bottom side of panel one. The first and second legs intersect at approximately 90-degree angle.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 1,5,6,8, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorenson in view of McFarland (US 5,048,689). Sorenson discloses an edge protector comprising a blank sheet of foldable material having a top side and a bottom side. A plurality of parallel fold lines 16, 22, 24, 34, 48, 116, 122, 124, 134, 137, 141, 148 scored into the sheet and laterally spaced divide the sheet into at least five consecutive panels hinged together at the hold lines. A double scored fold line connects panels four and panel five while another double scored fold line connects panels one and two. A first leg formed from overlapping panels two and three 18,26 or 118,126. The top side of panel two and three is placed in face-to-face contact. A second leg intersects the first leg and is formed by overlapping panel one 6,106 in between panels four and five 36,40,136,140. The top side of panel one is placed in face-to-face contact with the top side of panel four, and the top side of panel five is placed in face-to-face contact with the bottom side of panel one.

Sorenson, however, does not disclose adhesive between several of the panels. But

Art Unit: 3728

McFarland teaches corrugated paperboard corner post with two legs formed by folding the panels. The panel 16 is bonded to the panel 14 while panel 12 is bonded to panel 18 to form a 90 degree angle. Hence, it would have been obvious in view of McFarland to provide adhesive between the overlapping panels to better secure the panels in the assembled form.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 1, further in view of Official Notice.

With respect to claim 7, it is not clear which side the fold line was initially scored. However, the fold lines appear to extend entirely through the blank on both sides. Even if the fold lines were not entirely extending through, it would have been obvious to score the fold lines from any side to facilitate folding as conventionally known in the container art.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sorenson in view of Official Notice.

With respect to claim 10, it is not clear which side the fold line was initially scored. However, the fold lines appear to extend entirely through the blank on both sides. Even if the fold lines were not entirely extending through, it would have been obvious to score the fold lines from any side to facilitate folding as conventionally known in the container art.

8. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorenson. Although it is not clear whether the fold lines between panels one and two and the fold line between panels three and four are folded prior to face to face engagement of the panels, it would have been obvious to fold the fold lines prior to overlapping engagement to ensure the proper alignment.

Art Unit: 3728

Allowable Subject Matter

9. Claims 2-4,14-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 19-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

11. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08.

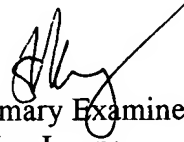
If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Erica Miller at (571) 272-4370.

For applicant's convenience, the official FAX number is 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Art Unit: 3728

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (571) 272-4557. The examiner can normally be reached on M-H from 7:00am to 4:00pm EST. The examiner's supervisor Mickey Yu can be reached at (571) 272-4562 for urgent matters.

STL
February 2, 2006



Primary Examiner
Shian Luong
Art Unit 3728